

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANTONIO DON MILTON,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-10-1367-F
)	
DAVID MILLER, et al.,)	
)	
Respondents.)	

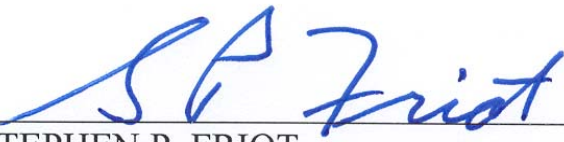
ORDER

Petitioner, a state prisoner appearing *pro se*, has filed a petition for habeas relief under 28 U.S.C. § 2254. Petitioner has filed a motion for *in forma pauperis* status. (Doc. no. 2.) On December 21, 2010, Magistrate Judge Bana Roberts filed a Report and Recommendation, recommending that petitioner's motion for *in forma pauperis* status be denied, and recommending that this action be dismissed without prejudice unless petitioner pays the full \$5.00 filing fee within twenty days of the date of any order by the undersigned adopting the Report and Recommendation. (Report, doc. no. 5.) The Report advised petitioner that failure to timely object to the Report waives the right to appellate review of both factual and legal issues contained in the Report. Petitioner has not responded to the Report, has not paid the filing fee, and has not asked for an extension of time within which to do either.

With no objection having been filed and with the filing fee remaining unpaid, the court, after review, hereby **ADOPTS, ACCEPTS** and **AFFIRMS** the Report and Recommendation of the Magistrate Judge. Accordingly, petitioner's request for *in forma pauperis* status is **DENIED**. If, within twenty days of the date of this order, the

\$5.00 filing fee has not been paid to the clerk of this court, this action will then be dismissed without prejudice, for failure to pay the \$5.00 filing fee.

Dated this 24th day of January, 2011.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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